

## **COMMENTS**

The enclosed is responsive to the Examiner's Office Action mailed on October 2, 2003. At the time the Examiner mailed the Office Action claims 1 through 52 were pending. By way of the present response the Applicant has: 1) canceled claims 9 and 51; 2) amended claims 1-3, 10-12, 14, 19-25, 27-50; and, 3) added new claims 53 – 65. As such, claims 1-8, 10-50 and 52-65 are currently pending. No new matter has been added. The Applicant respectfully requests reconsideration of the present application and the allowance of claims 1-8, 10-50 and 52-65.

### **The Figures**

The Applicant has submitted herewith proposed changes to Figure 3 of the present application. The proposed changes to Figure 3 entail:

- 1) re-labeling "ALIAS AE TITLE Receiving Station 30" as "AE TITLE Receiving Station 30"; and,
- 2) re-labeling "AE TITLE Disassembly St 32" as "ALIAS AE TITLE Disassembly St 32".

Support for the above identified amendments is found at page 16, lines 20 through 24 of the Applicant's specification.

### **The Specification**

The Applicant has amended the specification in response to objections raised by the Examiner at page 2 of the Office Action mailed 10/02/03. Specifically, the Applicant has:

- 1) amended "Figure 5A-5B" to read "Figures 5A-5B" at page 10, line 14 of the Applicant's originally filed specification;

- 2) amended "and in figure 5B shows" to read "and figure 5B shows" at page 10, line 16 of the Applicant's originally filed specification;
- 3) amended "a packet with constructed in accordance IPsec" to read "a packet constructed in accordance with IPsec" at page 10, lines 12-13 of the Applicant's originally filed specification;
- 4) corrected references of "50" to the disassembly structure so to refer to the disassembly structure with reference "60" at page 11, lines 12 and 16 of the Applicant's originally filed specification;
- 5) amended "The data is captured b" to read "The data is captured by" at page 12, line 20.

The Applicant respectfully submits that each of the Examiner's objections have been overcome by the above amendments.

### **The Claims**

The claims have been renumbered, and where appropriate their dependencies have been renumbered, to account for the Applicant's failure to number the claims properly in the originally filed application. An analysis of the patentability of the Applicant's claims immediately follows below.

#### **Independent Claims 1 and 21**

Independent claims 1 and 21 stand rejected under 35 USC 103(a) as being unpatentable over the combination of US Patent No. 5,715,823 (hereinafter "Wood"), US Patent No. 5,898,784 (hereinafter, "Kirby") and Health Management Technology; Atlanta April 1997, Vol. 18, Issue 5, page 14 authored by Deborah

Kohn (hereinafter "Kohn"). See, Examiner's Office Action mailed 10/02/03, pg. 11.

Independent claims 1 and 21 presently recite, respectively (emphasis added):

1. A medical information transmitter comprising:

- A) a data interface for acquiring a medical data file having an application entity title;
- B) an assembly unit configured to assemble the medical data to form data packets;
- C) a processing unit configured to encrypt the packets for decryption by the disassembly structure;
- D) a remapping unit configured to attach an address to the packets for identifying a disassembly structure, the address based upon the application entity title; and
- E) a network interface configured to transmit the packets into a network for receipt at the disassembly structure.

21. A medical virtual private network system comprising:

- A) a medical modality configured to generate medical data and attach an application entity title to the medical data for identifying a receiving station;
- B) a medical information transmitter comprising:
  - (i) a data interface communicatively coupled to the medical modality for acquiring the medical data from the medical modality;
  - (ii) an assembly unit configured to assemble the medical data to form data packets;

- (iii) a remapping unit configured to attach an address to the packets for identifying a disassembly structure, the address correlated to the application entity title;
- (iv) a processing unit configured to encrypt the packets; and
- (v) a network interface configured to send the packets into a network.

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 2143. The Applicant respectfully submits that the combination of the Wood, Kirby and Kohn references fails to disclose, teach or suggest the attachment of an address to packets that identifies a disassembly structure where the address is based upon or correlated to an application entity title. In this regard the Applicant is directed to page 13, lines 12 – 17 and page 16, lines 11 – 17 of the Applicants specification.

Upon review of the Wood, Kirby and Kohn references, the Applicant fails to find any disclosure, teaching or suggestion of the correlation or basing of an address for a disassembly structure with an application entity tile. Although Wood relates to the transportation of medical data over the Internet, Wood fails to mention application entity titles and appears to not mention any encryption activity. Further still, the disclosure of Wood surrounding Figures 15-17 of Wood fails to disclose a disassembly structure and a receiving station.

Kirby, when taken in a light that is most favorable to the Examiner's position (and without being an admission by the Applicant) potentially shows analogous relationships between Figure 2 of Kirby and Figure 1 of the Applicant's specification. In particular, Kirby potentially shows an analogous relationship between: 1) computer 54 of Kirby and the modality/DICOM converter 12/14 of the Applicant's specification; 2) computer 16 of Kirby and transmitter 20 of the Applicant's specification; 3) computer 18 of Kirby and disassembly structure 60 of the Applicant's specification; 4) computer 56 of Kirby and receiving station 80 of the Applicant's specification.

For Kirby to have any possibility of disclosing matter that teaches a relationship between an application entity title and an address for a disassembly structure (and again without being an admission on the part of the Applicant of as much), Kirby would have to disclose that the address for computer 18 is related to the address of computer 54. Kirby appears to have nowhere disclosed such a relationship. Therefore, even without addressing analogous art issues or the failure of Kirby to mention application entity titles or medical data, it would seem that Kirby fails to possess any relevance with respect to the Applicant's claims.

Kohn mentions DICOM and therefore, most favorable to the Examiner's position (and without being an admission by the Applicant of as much), perhaps suggests an application entity title; but, nowhere mentions or suggests a relationship between an address for a disassembly structure and an application entity title.

Moreover, the Examiner's assertion (e.g., with respect to claim 10 as originally filed) at page 17 of the Examiner's Office Action mailed 10/02/03 that US Patent No. 4,677,588 (hereinafter "Benjamin")

adequately discloses accepting addresses that identify a receiving station see column 2 line 60 column 3 line 2, and cross-references the addresses to alias addresses that identify the receiving disassembly structure, see column 3, lines 2-20

is an incorrect interpretation of Benjamin. The portion of Benjamin cited by the Examiner teaches a "name translation function which [is utilized] to translate . . . alias names into real names". See, Benjamin Col. 3, lines 14-16. Therefore Benjamin teaches "alias names" as an input to the translation function of Benjamin and "real names" as an output of the translation function of Benjamin; whereas, claim 10 of the Applicant's claims as originally filed clearly recites an AE title (e.g., "real name") as an input and an alias AE (e.g., "alias name") as an output of the claimed cross-referencing.

More importantly, the Applicant cannot identify a potentially analogous relationship between the teachings of Benjamin and Figure 1 of the Applicant's specification. Therefore, unless the Examiner can identify such any such analogy, the Applicant respectfully submits that Benjamin fails to have any potential for suggesting a relationship between an application entity title and an address for a disassembly structure.

Therefore the Examiner has failed to produce a showing in the prior art of a relationship between an address for a disassembly structure and an application entity title; and, as a consequence, each of independent claims 1 and 21 are patentable over the combination of Wood, Kirby, and Kohn (and even Benjamin).

#### Independent Claims 29 and 39

Independent claims 29 and 39 stand rejected under 35 USC 103(a) as being unpatentable over the combination of Wood and Kirby. See, Examiner's Office Action mailed 10/02/03, pg. 4.

Independent claims 29 and 39 presently recite, respectively (emphasis added):

29. A computer readable medium having stored therein a plurality of instructions, which, when executed by a processor in a transmitter, cause the processor to:

identify an address for a disassembly structure using a parameter that is assigned to a receiving station to which medical data is to be sent;

assemble packets containing the medical data and information used by the disassembly structure to send the medical data to the receiving station;  
encrypting the packets for decryption by the disassembly structure;

attach the address for the disassembly structure to the packets; and,  
cause the packets to be sent into a network for receipt at the disassembly structure.

39. A method, comprising:

identifying an address for a disassembly structure using a parameter that is assigned to a receiving station to which medical data is to be sent;

assembling packets containing the medical data and information used by the disassembly structure to send the medical data to the receiving station;

encrypting the packets for decryption by the disassembly structure;  
attaching the address for the disassembly structure to the packets;  
and,

causing the packets to be sent into a network for receipt at the disassembly structure.

“To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP 2143. For reasons similar to those put forth above, the Applicant respectfully submits that the combination of the Wood and Kirby references fails to disclose the subject matter claimed by independent claims 29 and 39. As discussed above, Wood fails to disclose both a disassembly structure and a receiving station. Kirby viewed even its best possible light with respect to the Examiner’s position fails to disclose a relationship between a disassembly structure address and a parameter assigned to a receiving station. Therefore independent claims 29 and 39 and their corresponding dependent claims are patentable over the combination of Wood and Kirby.

### Independent Claim 50

Independent claim 50 is rejected under 35 USC 103(a) as being unpatentable over the combination of Wood, Kirby, Kohn and Benjamin. See, Examiner's Office Action mailed 10/02/03, pg. 17.

Independent claim 50 presently recites (emphasis added):

50. A method acquiring medical information comprising:

at a same network node:

receiving packets comprising medical information sent by a transmitter across a public network;

sending acknowledgments of successful transfer to the transmitter;

decrypting the packets to reveal an address of a receiving station;

converting the medical information to be compliant with the DICOM

Standards after the receiving; and,

transferring the medical information to the receiving station.

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 2143. The Applicant respectfully submits that the combination of Wood, Kirby, Kohn and Benjamin references fails to disclose the subject matter claimed by independent claim 50. In particular, none of these references appear to disclose or suggest the claimed sending, decrypting and converting at a single network node. Kohn mentions DICOM but nowhere discusses conversion into DICOM and/or conversion into DICOM coupled with sending of acknowledgements and decrypting at a single network node. Because claim 50 is allowable so it dependent claim 51.



### Independent Claim 53

Independent claim 53 is derived from originally filed claim 48. Independent claim 48 was rejected under 35 USC 103(a) as being unpatentable over Wood, Kirby and US Patent No. 4,712,214 (hereinafter "Meltzer"). See, Examiner's Office Action mailed 10/02/03, pg. 9.

Independent Claim 53 recites (emphasis added):

53. A method of transmitting medical information comprising:  
assembling a medical data file into packets;  
sending the packets into a public network for receipt at a  
disassembly structure;  
considering whether an acknowledgement of completed packet  
transfer is received from the disassembly structure within a  
threshold time; and  
resending into the public network only that portion of the medical  
data file to which no acknowledgment is received within the  
threshold time.

The Applicant respectfully submits that the Meltzer reference fails to disclose resending "only that portion of the medical data file to which no acknowledgment is received within the threshold time". Specifically, Meltzer appears to only disclose "resending an unsuccessfully received packet and all packets thereafter". See, Meltzer Col. 2, lines 32-36 ("retransmission is carried out only from the erroneous packet"); Col. 5, lines 53-58 ("in case an error is detected in an intermediate packet [singular] . . . [t]he transmitter then backs up in the sequence and retransmits the packets [plural] identified by the receiver"); and, Col. 6, lines 25-29 ("[t]he sender . . . receives the NACK . . . [and] . . . therefore retransmits the entire sequence"). Because Meltzer appears to fail to disclose the pertinent subject matter claimed in independent claim 53 both

independent claim 53 and its corresponding dependent claim are presently in allowable form.

Independent Claim 55

New independent claim 55 is also allowable for at least those reasons put forth with respect to independent claims 29 and 39. That is, the Examiner has failed to find any prior art references that teach a relationship between a disassembly structure address and a receiving station that is to receive medical data. Therefore, at least the claim element "identifying a disassembly structure from the identity of the receiving structure" is not disclosed taught or suggested by the prior art that has been utilized by the Examiner. Because independent claim 55 is allowable, all of its corresponding depending claims are likewise allowable.

For at least the reasons put forth above, the Applicant respectfully submits that claims 1-8, 10-50 and 52-65 are allowable and respectfully requests the allowance of same.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: \_\_\_\_\_

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